

1 PHILLIP A. TALBERT
Acting United States Attorney
2 CAMERON L. DESMOND
DAVID W. SPENCER
3 Assistant United States Attorneys
501 I Street, Suite 10-100
4 Sacramento, CA 95814
Telephone: (916) 554-2700
5 Facsimile: (916) 554-2900

6 Attorneys for Plaintiff
7 United States of America

8
9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14 v.

15 JOSE ENCARNACION MAYO RODRIGUEZ,
SYLVIA ZAMBRANO,
YESENIA LOPEZ,
16 MARIA LUISA ESCAMILLA-LOPEZ,
JUAN CHAVARRIA,
17 JUAN RAMON LOPEZ,
NEREYDA ALVAREZ,
18 CHARLES JAMES BILLINGSLEY, JR.,
19 Defendants.

CASE NO. 2:19-CR-00231-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: May 3, 2021

TIME: 9:00 a.m.

COURT: Hon. William B. Shubb

20
21 **STIPULATION**

22 1. By previous order, this matter was set for status on May 3, 2021.

23 2. By this stipulation, defendants now move to continue the status conference until August
24 23, 2021 at 9:00 a.m., and to exclude time between May 3, 2021, and August 23, 2021 at 9:00 a.m.,
25 under Local Code T4.

26 3. The parties agree and stipulate, and request that the Court find the following:

27 a) The government has represented that the discovery associated with this case
28 includes over 4400 pages of documents, including investigative reports, photographs, cell phone

1 records, and other materials, as well as numerous audio and video recordings. All of this
2 discovery has been either produced directly to counsel and/or made available for inspection and
3 copying.

4 b) Many of the events at issue in the case occurred in San Joaquin County, with
5 additional matters occurring in Southern California and the San Francisco Bay Area. Defense
6 investigation into the charged events can fairly be characterized as state-wide in scope.

7 c) During most of the period that this case has been pending national events related
8 to the spread of COVID-19 occurred. Federal and state authorities have issued directives
9 designed to address the pandemic. These directives have hampered the ability of the defense to
10 conduct investigation as to potential defenses in this matter. Additional time is therefore required
11 for defense investigation into matters charged in the Indictment.

12 d) Counsel for defendants desire additional time to conduct factual investigation and
13 legal research into potential defenses and trial and sentencing issues, to review the discovery, to
14 consult with their clients, and to otherwise prepare for trial.

15 e) Counsel for defendants believe that failure to grant the above-requested
16 continuance would deny them the reasonable time necessary for effective preparation, taking into
17 account the exercise of due diligence.

18 f) The government does not object to the continuance.

19 g) Based on the above-stated findings, the ends of justice served by continuing the
20 case as requested outweigh the interest of the public and the defendant in a trial within the
21 original date prescribed by the Speedy Trial Act.

22 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
23 et seq., within which trial must commence, the time period of May 3, 2021 to August 23, 2021 at
24 9:00 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
25 Code T4] because it results from a continuance granted by the Court at defendant's request on
26 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
27 best interest of the public and the defendant in a speedy trial.
28

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 28, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

Dated: April 28, 2021

/s/ Todd D. Leras
TODD D. LERAS
Law Office of Todd D. Leras
*Attorney for defendant Jose Encarnacion
Mayo Rodriguez*

Dated: April 28, 2021

/s/ Christopher R. Cosca
CHRISTOPHER R. COSCA
Christopher R. Cosca, Attorney-at-Law
Attorney for defendant Sylvia Zambrano

Dated: April 28, 2021

/s/ Brian Andritch
BRIAN ANDRITCH
Andritch & Aed, APC
Attorney for defendant Yesenia Lopez

Dated: April 28, 2021

/s/ Dina Lee Santos
DINA LEE SANTOS
Law Offices of Dina L. Santos
*Attorney for defendant Maria Luisa Escamilla-
Lopez*

Dated: April 28, 2021

/s/ Armando Villapudua
ARMANDO VILLAPUDUA
Law Offices of Armando Villapudua
Attorney for defendant Juan Chavarria

1 Dated: April 28, 2021

/s/ Phillip Cozens
PHILLIP COZENS
Phillip Cozens, Attorney-at-Law
Attorney for defendant Juan Ramon Lopez

4 Dated: April 28, 2021

/s/ David M. Garland
DAVID M. GARLAND
Law Office of David Garland
Attorney for defendant Nereyda Alvarez

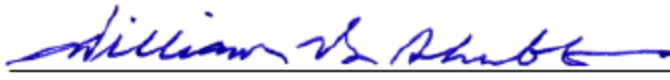
7 Dated: April 28, 2021

/s/ Johnny L. Griffin, III
JOHNNY L. GRIFFIN, III
Law Offices of Johnny L. Griffin, III
Attorney for defendant Charles J. Billingsley, Jr.

11 FINDINGS AND ORDER

12 IT IS SO FOUND AND ORDERED. Moreover, the ongoing COVID-19 pandemic has led to
13 the suspension of jury trials in this district since March 17, 2020, and the General Orders of this court
14 issued in connection with the pandemic allow for continuances and the exclusion of time under the
15 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required. General Orders 611,
16 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial Council of the Ninth Circuit
17 suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial emergency in this district until May 2,
18 2021. See In re Approval of the Judicial Emergency Decl. in the E. Dist. of Cal., 956 F.3d 1175 (9th
19 Cir. Judicial Council 2020).

20 Dated: April 28, 2021

21 
22 WILLIAM B. SHUBB
23 UNITED STATES DISTRICT JUDGE